

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA**

Tyrone Tony Bradley,) Civil No. 4:08-903 DCN
)
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Petitioner,)
)
)
vs.) **ORDER**
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)
Leroy Cartledge,)
)
)
Respondent.)
)

On February 24, 2009, this court issued an Order adopting the Magistrate Judge's Report and Recommendation and granted defendant's motion for summary judgment. On February 25, 2009, judgment was entered in this case by the Clerk of Court. On February 25, 2009, plaintiff filed his motion for extension of time to file objections to the Magistrate Judge's Report and Recommendation. It appears from a review of the file and plaintiff's motion that said motion for extension of time was timely, as objections were due on February 23, 2009, and pursuant to plaintiff's certificate of service were delivered to the legal mail office at FCI McCormick on February 20, 2009. However, the motion was not received in the Clerk of Court's office until February 25, 2009. Now therefore,

IT IS HEREWITH ORDERED that this court's Order filed on February 24, 2009, granting defendant's motion for summary judgment and the judgment filed on February 25, 2009 are herewith vacated, and this matter is herewith reinstated for consideration of plaintiff's objections. Objections shall be due April 30, 2009.

AND IT IS SO ORDERED.



DAVID C. NORTON
Chief United States District Judge

March 25, 2009
Charleston, South Carolina